

DEVELOPMENT CONTROL FUNCTIONS

PROGRAMME AREA RESPONSIBILITY: ENVIRONMENT

CABINET

20TH NOVEMBER, 2003

Wards Affected

County-wide

Purpose

To consider a request that the discharge of the Council's development control functions within the area of the city and parish of Hereford be delegated to Hereford City Council.

Key Decision

This is not a Key Decision.

Recommendation

THAT the request be not approved.

Reasons

Development control functions are a key responsibility for the Herefordshire Council.

Considerations

1. The Hereford City Council have formally requested the Council that it should enter into an appropriate agreement under the provisions of section 101 of the Local Government Act 1972 with regard to the discharge of development control functions within the area of the city and parish of Hereford by the Hereford City Council. It is proposed that this request is wholly within the current spirit of government policy to delegate functions to parish councils by agreement.
2. The request was considered by the Constitutional Review Working Group at its meeting on 19 June 2003. This is a cross-party group of senior councillors who are responsible for considering proposed changes to the Constitution before having the matter referred to Cabinet and Strategic Monitoring Committee for recommendation to Council. At its meeting on 19 June 2003, the Group considered the request. Aside from the implications of the proposal for the remainder of the parish councils within the county, the Working Group considered the discharge of development control functions as a key responsibility for the Herefordshire Council itself.
3. The Hereford City Council have asked for the matter to be brought before the full Council meeting at the earliest opportunity.

Further information on the subject of this report is available from
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

Alternative Options

There are no alternative options.

Risk Management

Determining planning applications is a key statutory responsibility for the authority in its role as local planning authority. Stringent controls would need to be put in place to ensure that the function was properly carried out and appropriately supported should the delegation be approved.

Consultees

Not applicable.

Background Papers

None identified.